

HOUSE No. 328

By Mr. Straus of Mattapoisett, petition of William M. Straus and others relative to the protection of personal information in consumer transactions. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Seven.

AN ACT RELATIVE TO IDENTITY THEFT PROTECTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 50 of chapter 93 of the General Laws, as
2 so appearing, is hereby amended by inserting after the definition
3 “user” the following definition:

4 “Security freeze”, a notice, at the request of the consumer and
5 subject to certain exceptions, that prohibits the consumer
6 reporting agency from releasing all or any part of the consumer’s
7 credit report or any information derived from it without the
8 express authorization of the consumer. If a security freeze is in
9 place, such a report or information may not be released to a third
10 party without prior express authorization from the consumer. This
11 subdivision does not prevent a consumer reporting agency from
12 advising a third party that a security freeze is in effect with
13 respect to the consumer’s credit report.

14 “Reviewing the account” or “account review” includes activi-
15 ties related to account maintenance, monitoring, credit line
16 increases, and account upgrades and enhancements

1 SECTION 2. Said chapter 93 is hereby amended by inserting
2 after section 51A the following section:—

3 Section 51B Consumer Report Security Freeze

4 1) A consumer may elect to place a “security freeze” on his or
5 her credit report by:

6 a) making a request by mail,

7 b) making a request by telephone by providing certain per-
8 sonal identification, or

9 c) making a request directly to the consumer reporting agency
10 through a secure electronic mail connection if such connection is
11 made available by the agency. Credit reporting agencies shall
12 make a secure electronic mail method of requesting a security
13 freeze available within 180 days of this Act’s effective date.

14 2) A consumer reporting agency shall place a security freeze
15 on a consumer's credit report no later than five business days after
16 receiving a written or telephone request from the consumer or
17 three business days after receiving a secure electronic mail
18 request. Within one year of this Act's effective date, a consumer
19 reporting agency shall place a security freeze on a consumer's
20 credit report no later than 3 business days after receiving a written
21 or telephone request from the consumer or one business day after
22 receiving a secure electronic mail request. Within two years of
23 this Act's effective date, a consumer reporting agency shall place
24 a security freeze on a consumer's credit reporting agency no later
25 than one business day after receiving a written or telephone
26 request.

27 3) The consumer reporting agency shall send a written confir-
28 mation of the security freeze to the consumer within five business
29 days of placing the freeze and at the same time shall provide the
30 consumer with a unique personal identification number or pass-
31 word to be used by the consumer when providing authorization
32 for the release of his or her credit for a specific party or period of
33 time, or when permanently lifting the freeze.

34 4) If the consumer wishes to allow his or her credit report to
35 be accessed for a specific party or period of time while a freeze is
36 in place, he or she shall contact the consumer reporting agency via
37 telephone, mail, or secure electronic mail, with a request that the
38 freeze be temporarily lifted, and provide the following:

39 a) proper identification,

40 b) the unique personal identification number or password pro-
41 vided by the consumer reporting agency pursuant to paragraph (3)
42 of subsection B, and

43 c) the proper information regarding the third party who is to
44 receive the credit report or the time period for which the report
45 shall be available to users of the credit report.

46 5) A consumer reporting agency that receives a request from a
47 consumer to temporarily lift a freeze on a credit report pursuant to
48 paragraph (4) of subsection (B) shall comply with the request no
49 later than three business days after receiving the request. Within
50 one year of this Act's effective date, a consumer reporting agency
51 shall honor such a request no later than one business day after
52 receiving the request. Within two years of this Act's effective

53 date, a consumer reporting agency shall honor such a request
54 made by electronic mail or by telephone within fifteen minutes of
55 receiving the request.

56 6) A consumer reporting agency shall develop procedures
57 involving the use of telephone, fax, or, upon the consent of the
58 consumer in the manner required by the Electronic Signatures in
59 Global and National Commerce Act [E-Sign] for legally required
60 notices, by the Internet, e-mail, or other electronic media to
61 receive and process a request from a consumer to temporarily lift
62 a freeze on a credit report pursuant to paragraph (4) of
63 subsection (B) in an expedited manner.

64 7) A consumer reporting agency shall remove or temporarily
65 lift a freeze placed on a consumer's credit report only in the
66 following cases:

67 a) upon consumer request, pursuant to paragraph (4) or para-
68 graph (10) of subsection (B);

69 b) if the consumer's credit report was frozen due to a material
70 misrepresentation of fact by the consumer. If a consumer reporting
71 agency intends to remove a freeze upon a consumer's credit report
72 pursuant to this paragraph, the consumer reporting agency shall
73 notify the consumer in writing five business days prior to
74 removing the freeze on the consumer's credit report.

75 8) If a third party requests access to a consumer credit report
76 on which a security freeze is in effect, and this request is in con-
77 nection with an application for credit or any other use, and the
78 consumer does not allow his or her credit report to be accessed for
79 that specific party or period of time, the third party may treat the
80 application as incomplete.

81 9) If a third party requests access to a consumer credit report
82 on which a security freeze is in effect for the purpose of receiving,
83 extending, or otherwise utilizing the credit therein, and not for the
84 sole purpose of account review, the consumer credit report agency
85 must notify the consumer that an attempt has been made to access
86 the credit report.

87 10) A security freeze shall remain in place until the consumer
88 requests that the security freeze be removed. A consumer
89 reporting agency shall remove a security freeze within three busi-
90 ness days of receiving a request for removal from the consumer,
91 who provides both of the following:

92 a) proper identification, and
93 b) the unique personal identification number or password pro-
94 vided by the consumer reporting agency pursuant to paragraph (3)
95 of subsection (B).

96 Not later than one year after the effective date of this Act, a
97 consumer reporting agency shall remove a security freeze within
98 one business day after receiving such a request.

99 11) A consumer reporting agency shall require proper identifi-
100 cation of the person making a request to place or remove a secu-
101 rity freeze.

102 12) A consumer reporting agency may not suggest or otherwise
103 state or imply to a third party that the consumer's security freeze
104 reflects a negative credit score, history, report or rating.

105 13) The provisions of this section do not apply to the use of a
106 consumer credit report by any of the following:

107 a) a person, or the person's subsidiary, affiliate, agent, or
108 assignee with which the consumer has or, prior to assignment, had
109 an account, contract, or debtor-creditor relationship for the pur-
110 poses of reviewing the account or collecting the financial obliga-
111 tion owing for the account, contract, or debt.

112 b) a subsidiary, affiliate, agent, assignee, or prospective
113 assignee of a person to whom access has been granted under para-
114 graph (4) of subsection (B) for purposes of facilitating the exten-
115 sion of credit or other permissible use.

116 c) any person acting pursuant to a court order, warrant, or
117 subpoena.

118 d) a State or local agency which administers a program for
119 establishing and enforcing child support obligations.

120 e) the [state health department] or its agents or assigns acting
121 to investigate fraud.

122 f) the [state tax authority] or its agents or assigns acting to
123 investigate or collect delinquent taxes or unpaid court orders or to
124 fulfill any of its other statutory responsibilities.

125 g) a person for the purposes of prescreening as defined by the
126 federal Fair Credit Reporting Act.

127 h) any person or entity administering a credit file monitoring
128 subscription service to which the consumer has subscribed.

129 i) any person or entity for the purpose of providing a con-
130 sumer with a copy of his or her credit report upon the consumer's
131 request.

132 14) A consumer reporting agency shall not charge a consumer
133 any fee to place a security freeze or for temporary or permanent
134 removal of the security freeze on a consumer report. A consumer
135 reporting agency may charge up to \$5 for a replacement of the
136 personal identification number or password provided by the con-
137 sumer reporting agency when the security freeze was requested.
138 There shall be no such fees if a consumer:—

139 a) provides the consumer reporting agency with a copy of a
140 police incident report or criminal complaint alleging identity theft;

141 b) is 62 years or older; or

142 c) is a person with a disability, as defined in section 1 of
143 chapter 123B, or who is otherwise mentally or physically disabled
144 and as a result of such mental or physical disability is wholly or
145 partially dependent on another person or persons to meet his daily
146 living needs.

147 d) is a veteran of the United States armed services or a person
148 who receives veteran's benefits.

149 Subsection C. Notice of Rights. At any time that a consumer is
150 required to receive a summary of rights required under Section
151 609 of the federal Fair Credit Reporting Act the following notice
152 shall be included:

153 **Massachusetts Consumers Have the Right to Obtain a**
154 **Security Freeze**

155 You may obtain a security freeze on your credit report at no
156 charge to protect your privacy and ensure that credit is not granted
157 in your name without your knowledge. You have a right to place a
158 "security freeze" on your credit report pursuant to [State law].

159 The security freeze will prohibit a consumer reporting agency
160 from releasing any information in your credit report without your
161 express authorization or approval.

162 The security freeze is designed to prevent credit, loans, and
163 services from being approved in your name without your consent.
164 When you place a security freeze on your credit report, within five
165 business days (and by [date], no later than one business day) you
166 will be provided a personal identification number or password to
167 use if you choose to remove the freeze on your credit report or to
168 temporarily authorize the release of your credit report for a spe-
169 cific party, parties or period of time after the freeze is in place. To
170 provide that authorization, you must contact the consumer
171 reporting agency and provide all of the following:

- 172 1. The unique personal identification number or password
173 provided by the consumer reporting agency.
- 174 2. Proper identification to verify your identity.
- 175 3. The proper information regarding the third party or parties
176 who are to receive the credit report or the period of time for
177 which the report shall be available to users of the credit
178 report.

179 A consumer reporting agency that receives a request from a
180 consumer to lift temporarily a freeze on a credit report shall
181 comply with the request no later than three business days after
182 receiving the request (By [date] the consumer reporting agency
183 must temporarily lift the freeze within 15 minutes of receiving the
184 request.)

185 A security freeze does not apply to circumstances where you
186 have an existing account relationship and a copy of your report is
187 requested by your existing creditor or its agents or affiliates for
188 certain types of account review, collection, fraud control or sim-
189 ilar activities.

190 If you are actively seeking a new credit, loan, utility, telephone,
191 or insurance account, you should understand that the procedures
192 involved in lifting a security freeze may slow your own applica-
193 tions for credit. You should plan ahead and lift a freeze — either
194 completely if you are shopping around, or specifically for a cer-
195 tain creditor — with enough advance notice before you apply for
196 new credit for the lifting to take effect. Until [date], you should
197 lift the freeze at least 3 business days before applying; between
198 [date] and [date] you should lift the freeze at least one business
199 day before applying; and after [date] you should lift the freeze at
200 least 15 minutes before applying for a new account.

201 You have a right to bring a civil action against someone who
202 violates your rights under the credit reporting laws. The action
203 can be brought against a consumer reporting agency or a user of
204 your credit report.”

205 Subsection D. Violations; Penalties.

206 If a consumer reporting agency erroneously, whether by acci-
207 dent or design, violates the security freeze by releasing credit
208 information that has been placed under a security freeze, the
209 affected consumer is entitled to:

- 210 1) Notification within five business days of the release of the
211 information, including specificity as to the information released
212 and the third party recipient of the information.
- 213 2) File a complaint with the Federal Trade Commission and
214 the state Attorney General and the office of Consumer Affairs and
215 Business Regulation.
- 216 3) In a civil action against the consumer reporting agency
217 recover:
- 218 a) injunctive relief to prevent or restrain further violation of
219 the security freeze, and/or
- 220 b) a civil penalty in an amount not to exceed \$1,000 for each
221 violation plus any damages available under other civil laws, and
- 222 c) reasonable expenses, court costs, investigative costs, and
223 attorney's fees.
- 224 4) Each violation of the security freeze shall be counted as a
225 separate incident for purposes of imposing penalties under this
226 section.

1 SECTION 3. The General Laws are amended to create a new
2 Chapter 66B entitled "Consumer Breach Notification" and pro-
3 viding as follows:—

4 Section 1. Definitions. For the purposes of this chapter, the
5 following terms shall have the following meanings:

6 1) "Data Collector" may include but is not limited to govern-
7 ment agencies, public and private universities, privately and pub-
8 licly held corporations, financial institutions, retail operators, and
9 any other entity which, for any purpose, whether by automated
10 collection or otherwise, handles, collects, disseminates, or other-
11 wise deals with personal information.

12 2) "Personal information," means an individual's last name,
13 address, or phone number in combination with any one or more of
14 the following data elements, when either the name or the data ele-
15 ments are not encrypted or redacted, or encrypted with an encryp-
16 tion key that was also acquired:

17 a) Social Security number.

18 b) Driver's license number or state identification card number.

19 c) Account number, credit or debit card number, if circum-
20 stances exist wherein such a number could be used without addi-
21 tional identifying information, access codes, or passwords.

22 d) Account passwords or personal identification numbers
23 (PINs) or other access codes.

24 e) Biometric data.

25 f) Any of items (a)-(e) when not in connection with the individ-
26 ual's last name, address or phone number if the information com-
27 promised would be sufficient to perform or attempt to perform
28 identity theft against the person whose information was compro-
29 mised.

30 "Personal information" does not include publicly available
31 information that is lawfully made available to the general public
32 from federal, state, or local government records and in the posses-
33 sion of a data receiver.

34 3) "Security Breach", the unauthorized acquisition of comput-
35 erized or non-computerized data that compromises the security,
36 confidentiality, or integrity of personal information maintained by
37 the data collector. Good faith acquisition of personal information
38 by an employee or agent of the data collector for a legitimate pur-
39 pose of the data collector is not a breach of the security of the
40 data, provided that the personal information is not used for a pur-
41 pose unrelated to the data collector or subject to further unautho-
42 rized disclosure. Breach of the security of non-computerized data
43 may include but is not limited to unauthorized photocopying, fac-
44 similes, or other paper-based transmittal of documents.

45 Section 2. Notice of Breach.

46 1) Any data collector that owns or uses personal information
47 in any form (whether computerized, paper, or otherwise) that
48 includes personal information concerning a Massachusetts resi-
49 dent shall notify the resident that there has been a breach of the
50 security of the data following discovery or notification of the
51 breach. The disclosure notification shall be made in the most
52 expedient time possible and without unreasonable delay, consis-
53 tent with the legitimate needs of law enforcement, as provided in
54 paragraph (2) of subsection B, or with any measures necessary to
55 determine the scope of the breach and restore the reasonable
56 integrity, security and confidentiality of the data system.

57 2) The notification required by this section may be delayed if
58 a law enforcement agency determines in writing that the notifica-
59 tion may seriously impede a criminal investigation.

60 3) For purposes of this section, “notice” to consumers may be
61 provided by one of the following methods:

62 a) Written notice.

63 b) Electronic notice, if the notice provided is consistent with
64 the provisions regarding electronic records and signatures, for
65 notices legally required to be in writing, set forth in Section 7001
66 of Title 15 of the United States Code.

67 c) Substitute notice, if the agency demonstrates that the cost
68 of providing notice would exceed two hundred fifty thousand dol-
69 lars (\$250,000) or that the affected class of subject persons to be
70 notified exceeds 500,000, or the agency does not have sufficient
71 contact information. Substitute notice shall consist of all of the
72 following:

73 1. Conspicuous posting of the notice on the Internet site of the
74 agency or person, if the agency or person maintains a public
75 Internet site; and

76 2. Notification to major statewide media. The notice to media
77 shall include a toll-free phone number where an individual can
78 learn whether or not that individual’s personal data is included in
79 the security breach.

80 4) Content of Notice

81 Such notice shall include—

82 a) to the extent possible, a description of the categories of
83 information that was, or is reasonably believed to have been,
84 acquired by an unauthorized person, including social security
85 numbers, driver’s license or State identification numbers and
86 financial data;

87 b) a toll-free number—

88 1. that the individual may use to contact the agency or person,
89 or the agent of the agency or person; and

90 2. from which the individual may learn—

91 (a) what types of information the agency or person maintained
92 about that individual or about individuals in general; and

93 (b) whether or not the agency or person maintained information
94 about that individual; and

95 c) the toll-free contact telephone numbers and addresses for the
96 major credit reporting agencies.

97 5) The notification required by this section may be delayed if a
98 law enforcement agency determines, in writing, that the notifica-
99 tion may impede a criminal investigation.

100 6) Additional Obligation Following Breach — A person
101 required to provide notification under Subsection A shall provide
102 or arrange for the provision of, to each individual to whom notifi-
103 cation is provided under subsection and on request and at no cost
104 to such individual, consumer credit reports from at least one of the
105 major credit reporting agencies beginning not later than 2 months
106 following a breach of security and continuing on a quarterly basis
107 for a period of 2 years thereafter.

108 Subsection C. Remedies.

109 1) Violations of any provision of this section shall constitute
110 and unfair and deceptive trade practice pursuant to the provisions
111 of chapter ninety-three A.

112 Section 3. Social Security Numbers.

113 No person or data collector operating in the commonwealth
114 shall:

115 (1) intentionally communicate or otherwise make available to
116 the general public an individual's Social Security number;

117 (2) print an individual's Social Security number on any card
118 required for the individual to access products or services provided
119 by the person or data collector;

120 (3) require an individual to transmit his or her Social Security
121 number over the Internet, unless the connection is secure or the
122 Social Security number is encrypted;

123 (4) require an individual to use his or her Social Security
124 number to access an Internet Web site, unless a password or
125 unique personal identification number or other authentication
126 device is also required to access the Internet Web site;

127 (5) print an individual's Social Security number on any mate-
128 rials that are mailed to the individual, unless required by law;

129 (6) sell, lease, loan, trade, rent, or otherwise disclose an indi-
130 vidual's Social Security number to a third party for any purpose
131 without written consent to the disclosure from the individual.

132 Section 4. Disposal of Personal Information.

133 A data collector shall take all reasonable measures to protect
134 against unauthorized access to or use of personal information in
135 connection with, or after its disposal including, but not limited to:

136 (a) Implementing and monitoring compliance with policies and
137 procedures that require the burning, pulverizing or shredding of
138 papers containing personal information so that the information
139 cannot practicably be read or reconstructed; and

140 (b) Implementing and monitoring compliance with policies and
141 procedures that require the destruction or erasure of electronic
142 media and other non-paper media containing personal information
143 so that the information cannot practicably be read or recon-
144 structed.

1 SECTION 4. Penalties

2 Chapter 266 of the General Laws is hereby amended by striking
3 out Section 37E and inserting in its place the following:—

4 Section 37E. Use of personal identification of another; identity
5 fraud; penalty; restitution

6 (a) For purposes of this section, the following words shall have
7 the following meanings:—

8 “Harass”, willfully and maliciously engage in an act directed at
9 a specific person or persons, or at a specific organization or orga-
10 nizations, which act seriously alarms or annoys such person or
11 persons or any person or persons employed by or associated with
12 such organization or organizations, and would cause a reasonable
13 person to suffer substantial emotional distress.

14 “Identifying information”, any name or number that may be
15 used, alone or in conjunction with any other information, to
16 assume the identity of an individual or organization including any
17 name, address, telephone number, driver’s license number, social
18 security number, place of employment, employee identification
19 number, tax identification number, mother’s maiden name,
20 demand deposit account number, savings account number, credit
21 card number, computer password identification or other identi-
22 fying information.

23 “Organization”, any corporation, partnership, joint venture,
24 firm, sole proprietorship, association of individuals, or any other
25 professional or business entity.

26 “Person with a disability”, a person who is mentally retarded,
27 as defined by section one of chapter one hundred and twenty-
28 three B or who is otherwise mentally or physically disabled and as
29 a result of such mental or physical disability is wholly or partially
30 dependent on another person or persons to meet his daily living
31 needs.

32 “Pose”, to falsely represent oneself, directly or indirectly, as
33 another person, persons, or organization.

34 “Victim”, any person who, or organization that, has suffered
35 financial loss or any entity that provided money, credit, goods,
36 services or anything of value and has suffered financial loss as a
37 direct result of the commission or attempted commission of a vio-
38 lation of this section.

39 (b) Whoever, with fraudulent intent, knowingly and intention-
40 ally poses as another person, living or dead, as a representative of
41 an organization, or as being authorized to act on behalf of an orga-
42 nization, and uses such person’s or organization’s identifying
43 information to obtain or to attempt to obtain money, credit, goods,
44 services, anything of value, any identification card or other evi-
45 dence of such person’s or organization’s identity, to harass another
46 person or organization, to commit an illegal act, or to avoid identi-
47 fication, apprehension or prosecution for a crime shall be guilty of
48 the crime of identity fraud and shall be punished for an initial
49 offense by a fine of not more than \$5,000 or imprisonment in a
50 house of correction for not more than two and one-half years, or
51 by both such fine and imprisonment and for a second and subse-
52 quent offense by a fine of not more than \$25,000 or imprisonment
53 in the state prison for not more than five years or a house of cor-
54 rection for not more than two and one half years, or both such fine
55 and imprisonment.

56 (c) Whoever, with fraudulent intent, knowingly and intention-
57 ally obtains identifying information about another person, living
58 or dead, or an organization, with the intent to pose as such person,
59 or as a representative of such organization, or as being authorized
60 to act on behalf of an organization in order to obtain money,
61 credit, goods, services, anything of value, any identification card
62 or other evidence of such person’s or organization’s identity, to
63 harass another person or organization, or to avoid identification,
64 apprehension or prosecution for a crime shall be guilty of the
65 crime of identity fraud and shall be punished for an initial offense
66 by a fine of not more than \$5,000 or imprisonment in a house of
67 correction for not more than two and one-half years, or by both
68 such fine and imprisonment and for a second and subsequent
69 offense by a fine of not more than \$25,000 or imprisonment in the
70 state prison for not more than five years or a house of correction
71 for not more than two and one half years, or both such fine and
72 imprisonment.

73 (d) Whoever commits an offense described in this section by
74 using the identifying information of a person sixty-five years or
75 older or a person with a disability shall be punished by a fine of
76 not more than \$10,000 or imprisonment in the state prison for not
77 more than five years, or in jail for not more than two and one half
78 years, or both and for a second and subsequent offense by a fine
79 of not more than \$25,000 or imprisonment in the state prison for
80 not more than ten years or a house of correction for not more than
81 two and one half years, or both such fine and imprisonment.

82 (e) Whoever knowingly and intentionally manufactures, sells,
83 purchases, transfers, gives, trades, loans, delivers, or possesses
84 five or more items containing the identifying information of the
85 same person or organization, or the identifying information of five
86 or more separate persons or organizations with the intent to
87 commit an offense described in this section or to assist another to
88 commit an offense described in this section shall be guilty of the
89 crime of trafficking in stolen identities and shall be punished by a
90 fine of not more than \$25,000 or imprisonment in the state prison
91 for not more than five years, or in jail for not more than two and
92 one half years, or both and for a second and subsequent offense by
93 a fine of not more than \$50,000 or imprisonment in the state
94 prison for not more than ten years or a house of correction for not
95 more than two and one half years, or both such fine and imprison-
96 ment.

97 (f) The knowledge or intent of the person alleged to have com-
98 mitted any of the crimes within this section may be proved by
99 direct or circumstantial evidence and the testimony of the indi-
100 vidual or a representative on behalf of the organization whose
101 identifying information or item containing identifying information
102 was obtained or used to commit any of the crimes within this
103 section shall not be required to find a person guilty of those
104 crimes.

105 (g) An offense under this section may be prosecuted in any
106 county in which an element of the offense was committed or in the
107 county of residence of the person or organization whose identi-
108 fying information was allegedly used in the commission of the
109 crimes of identity fraud or of trafficking in stolen identities as
110 defined in this section.

111 (h) A person found guilty of violating any provisions of this
112 section shall, in addition to any other punishment, be ordered to
113 make restitution for financial loss sustained by a victim as a result
114 of such violation. Financial loss may include any costs incurred
115 by such victim in correcting the credit history of such victim or
116 any costs incurred in connection with any civil or administrative
117 proceeding to satisfy any debt or other obligation of such victim,
118 including lost wages and attorney's fees.

119 (i) A victim who reasonably believes that his or her personal
120 identifying information has been unlawfully used in violation of
121 this section may initiate a law enforcement investigation by con-
122 tacting the local law enforcement agency that has jurisdiction over
123 his or her actual residence or by contacting a local law enforce-
124 ment agency that has jurisdiction over any location where his or
125 her personal identifying information has been unlawfully used.
126 Said law enforcement agency shall provide the victim with a
127 written report of the incident and may begin an investigation of
128 the facts or, if the suspected crime was committed in a different
129 jurisdiction, refer the matter to the law enforcement agency where
130 the suspected crime was committed for an investigation of the
131 facts. Nothing in this section shall interfere with the discretion of
132 a local police department to allocate resources for investigations
133 of crimes and a complaint filed under this section shall not be
134 counted as an open case for the purpose compiling open case sta-
135 tistics.

136 (j) A law enforcement officer may arrest without warrant any
137 person he has probable cause to believe has committed the offense
138 of identity fraud or trafficking in stolen identities as defined in
139 this section.